

AMENDED IN ASSEMBLY JUNE 26, 2008

AMENDED IN ASSEMBLY JUNE 16, 2008

AMENDED IN SENATE APRIL 14, 2008

AMENDED IN SENATE APRIL 2, 2008

**SENATE BILL**

**No. 1509**

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**Introduced by Senator Lowenthal**

February 21, 2008

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An act to add Sections 241.5 and 243.65 to the Penal Code, relating to crimes against highway workers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1509, as amended, Lowenthal. Highway workers: assault and battery.

Existing law establishes the offense of assault, and provides for various species of assault against specified persons.

This bill would provide that when an assault is committed against a highway worker, as defined, engaged in the performance of his or her duties and the person committing the offense knows or reasonably should know that the victim is a highway worker engaged in the performance of his or her duties, the offense shall be punishable by a fine not to exceed \$2,000, or by imprisonment in a county jail up to one year, or by both that fine and imprisonment.

By creating a new crime, this bill would impose a state-mandated local program.

Existing law establishes the offense of battery, and provides for various species of battery against specified persons.

This bill would provide that when a battery is committed against the person of a highway worker, as defined, engaged in the performance

of his or her duties and the person committing the offense knows or reasonably should know that the victim is a highway worker engaged in the performance of his or her duties, the offense shall be punished by a fine not exceeding ~~\$5,000~~ \$2,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 241.5 is added to the Penal Code, to read:
- 2 241.5. (a) When an assault is committed against a highway
- 3 worker engaged in the performance of his or her duties and the
- 4 person committing the offense knows or reasonably should know
- 5 that the victim is a highway worker engaged in the performance
- 6 of his or her duties, the offense shall be punishable by a fine not
- 7 to exceed two thousand dollars (\$2,000) or by imprisonment in a
- 8 county jail up to one year or by both that fine and imprisonment.
- 9 (b) As used in this section, "highway worker" means an
- 10 employee or contractor of the Department of Transportation who
- 11 does one or more of the following:
- 12 (1) Performs maintenance, repair, or construction of state
- 13 highway infrastructures and associated rights-of-way in highway
- 14 work zones.
- 15 (2) Operates equipment on state highway infrastructures and
- 16 associated rights-of-way in highway work zones.
- 17 (3) Performs any related maintenance work, as required, on
- 18 state highway infrastructures in highway work zones.:
- 19 SEC. 2. Section 243.65 is added to the Penal Code, to read:
- 20 243.65. (a) When a battery is committed against the person
- 21 of a highway worker engaged in the performance of his or her
- 22 duties and the person committing the offense knows or reasonably
- 23 should know that the victim is a highway worker engaged in the

1 performance of his or her duties, the offense shall be punished by  
2 a fine not exceeding ~~five thousand dollars (\$5,000)~~ *two thousand*  
3 *dollars (\$2,000)*, or by imprisonment in a county jail not exceeding  
4 one year, or by both that fine and imprisonment.

5 (b) As used in this section, “highway worker” means an  
6 employee or contractor of the Department of Transportation who  
7 does one or more of the following:

8 (1) Performs maintenance, repair, or construction of state  
9 highway infrastructures and associated rights-of-way in highway  
10 work zones.

11 (2) Operates equipment on state highway infrastructures and  
12 associated rights-of-way in highway work zones.

13 (3) Performs any related maintenance work, as required, on  
14 state highway infrastructures in highway work zones.

15 SEC. 3. No reimbursement is required by this act pursuant to  
16 Section 6 of Article XIII B of the California Constitution because  
17 the only costs that may be incurred by a local agency or school  
18 district will be incurred because this act creates a new crime or  
19 infraction, eliminates a crime or infraction, or changes the penalty  
20 for a crime or infraction, within the meaning of Section 17556 of  
21 the Government Code, or changes the definition of a crime within  
22 the meaning of Section 6 of Article XIII B of the California  
23 Constitution.